

**To:** Dean, Heather[Dean.Heather@epa.gov]  
**Cc:** Szerlog, Michael[Szerlog.Michael@epa.gov]  
**From:** Shaw, Hanh  
**Sent:** Fri 5/5/2017 4:58:53 PM  
**Subject:** R10 Major Issues and Near-Term Decisions

Heather – As you may know, Region 10 is maintaining a spreadsheet of Major Issues and Near-Term Decisions to keep the acting RA/DRA informed. Please review the write up below and send me the revised language, including more refined dates (if we know them) or any upcoming decisions to be made by the Region. I would very much appreciate the revision by Monday COB. Thank you!

WASHINGTON--  
Determination of High  
Tide Line for Tidally-  
influenced Waters

A number of Puget Sound tribes and environmental interests in Washington State have petitioned EPA and the Corps of Engineers to modify the Seattle District's interpretation of where the "high tide line" is for purposes of determining CWA jurisdiction. The Seattle District currently uses "mean higher high water" (MHHW) to determine where CWA jurisdiction begins. Tribes, environmental groups, NOAA-Fisheries and others believe that a higher elevation would more accurately reflect the high tide line and would be more protective of endangered species' habitat in Puget Sound and elsewhere. A joint report was developed by EPA, Corps of Engineers - Seattle District, and NOAA, recommending the use of the "mean annual highest tide" instead of MHHW.

### Ex. 5 - Deliberative Process

---

**Hanh Shaw** | Acting Manager

Aquatic Resources Unit

Office of Environmental Review and Assessment  
U.S. Environmental Protection Agency | Region 10  
**P:** 206-553-0171 | **E:** [shaw.hanh@epa.gov](mailto:shaw.hanh@epa.gov)

